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14 Attorneys for Plaintiff  
15 BitTorrent, Inc.

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA

19 BITTORRENT, INC., a California  
20 corporation,

21 Plaintiff,

22 v.

23 BITTORRENT MARKETING GMBH, a  
24 limited liability company organized under the  
25 laws of Germany,

26 Defendant.

Case No. CV 12-2525 BLF

**DECLARATION OF JOHN PAUL OLEKSIUK  
IN SUPPORT OF SEPARATE CASE  
MANAGEMENT STATEMENT**

27 I, John Paul Oleksiuk, declare as follows:

28 1. I am an attorney with the law firm of Cooley LLP, counsel in this action for Plaintiff BitTorrent, Inc. (“BitTorrent” or “Plaintiff”). I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein. I make this declaration in support of Plaintiff’s Separate Case Management Statement.

2. On April 30, 2014, I entered in an Internet browser the web address

1 www.bitorrent.com, a typosquatting variant of BitTorrent's name that is one of the domain names  
2 alleged to be under the control of BitTorrent Marketing GmbH ("Defendant") in the Complaint.

3 3. The web address www.bitorrent.com redirected my Internet browser to  
4 www.bittorrent.eu, another domain name referred to in the Complaint. A true and correct copy  
5 of the website I viewed at www.bittorrent.eu on April 30, 2014 is attached hereto as Exhibit A.

6 4. The website available at www.bittorrent.eu contains commentary on the present  
7 lawsuit attributed on the website to Harald Hochmann, Managing Director & Owner of Bittorrent  
8 Marketing GmbH. The website commentary includes a reference to the April 17, 2014 Order  
9 Reassigning Case. *See* Exhibit A.

10 5. By an email dated April 29, 2014 (Pacific Daylight Time), Cooley LLP  
11 unsuccessfully sought cooperation from Defendant by contacting Christoph Hoppe, the German  
12 attorney representing Defendant in other matters upon whom substituted service was permitted, as  
13 well as Defendant directly at its office@bittorrent.eu email address. A true and correct copy of  
14 the email dated April 29, 2014 (Pacific Daylight Time) and the response from Mr. Hoppe on  
15 April 30, 2014 (Pacific Daylight Time) is attached hereto as Exhibit B.

16 6. In his reply email, Mr. Hoppe responded by requesting that BitTorrent "refrain  
17 from sending [him] any further communications regarding this matter." *See* Exhibit B. No other  
18 response from Mr. Hoppe or Defendant was received.

19 7. As set forth in detail in BitTorrent's April 8, 2014 Request for Entry of Default  
20 Against Defendant Bittorrent Marketing GmbH (Dkt. 33), Defendant has changed its address  
21 three times since the current lawsuit commenced, in an apparent effort to evade service.

22 8. After substituted service was accomplished by service personally upon Mr. Hoppe  
23 via email and FedEx Overnight Mail, Mr. Hoppe apparently returned the Complaint and  
24 Summons to the Court by letter dated April 9, 2014. *See* Letter of C. Hoppe, Dkt. 36.

25 9. Defendant has thereby exhibited an unwillingness to cooperate in filing a Joint  
26 Case Management Statement.  
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2014 in Santa Monica, California.

/s/ John Paul Oleksiuk  
John Paul Oleksiuk